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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alexei Nikolaevich SHKARUBO, et al.

Serial No.: 10/763,294

Group No.: 3767

Filed: January 22, 2004

Examiner: D. Hall

For: DEVICE FOR MOUNTING MEDICAL INSTRUMENTS


Attorney Docket No.: U 014999-3

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUBSTITUTE AFFIDAVIT/DECLARATION

Please substitute the attached Affidavit/Declaration with original signature for the copy filed December 21, 2007.

Respectfully submitted,



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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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Date: January 4, 2008



Signature

William R. Evans
(type or print name of person certifying)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Device for Mounting Medical Instruments

Serial No.: 10/763,294

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Filed: January 22, 2004

Examiner:

For: Shkarubo A. N., et al.

In response to Patent Office
dated

(if applicable)

Attorney Docket No.:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT/DECLARATION TRAVERSING GROUNDS OF REJECTION

I, David Ilich Pitskhelauri, a Russian Federation citizen residing at
(name of declarant)

9/2 Skulev street, apt. 30, Moscow, Russia 109263, declare:
address

That I graduated from Tbilisi State Medical Institute with a degree of B.Sc. in 1985.

That I received a degree of Doctor of Medical Sciences regarding research on
neurosurgery from N.N. Burdenko Research Institute of Neurosurgery, Russian Academy of
Sciences in 2005.

That I have been employed by N.N. Burdenko Research Institute of Neurosurgery,
Russian Academy of Sciences since 1988 and, since 2004, have held and now hold the
position of Leading Researcher.

That I am/am not interested in the above application as an inventor, employee of the
assignee, etc.

That I have read and understood the specification of the above application;

That in order to prove that

I conducted the following experiment:

Research conducted on corpses has shown that in the claimed device the smallest portion of the movable tube within the stationary tube should be not less than a halve of the outer diameter of the movable tube, and the distance between the end guide of the body and facing it end of the stationary tube should be from two to twenty five outer diameters of the movable tube. If said ratio is not followed, it would be impossible to have required coaxiality of the movable and stationary tubes and thereby stable movement of the instrument and secure introduction in tissues of various density. If the smallest portion of the movable tube is less than a half of the movable tube outer diameter, the movable tube often moves askew as it was found out for the prototype (patent RU 2160058, Cl. A61B 17/00, 17/34, 2000). If the distance between the end guide of the body and facing it end of the stationary tube is more than twenty five outer diameters of the movable tube, the tube also moves askew, and effective operation of an instrument for puncturing various tissues (for punctures at the back, at femoral arteries and knee joints).

From the above result,

Thus, structural features of the claimed device guaranty its medical and technical effectiveness comprising automatic nontraumatic introduction of medical instruments (a catheter, an electrode, etc.) in various spaces and hollow organs of a human organism: the epidural or subdural space of the spinal cord, vessels (arteries, veins), various hollow organs (cavities of large joints, etc.) to a required depth.

The practice shows that the device is usable, highly reliable and does not require long training of medical personal for its use. The present device can be recommended for use. At present there is no analog of the claimed device in the prior art having such reliable and simple design lightening the work of a surgeon.

That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: December 20, 2007

Pitskhelauri D. T.

(signature of Declarant)
David Ilich Pitskhelauri
(Doctor of Medical Sciences)